



~~June 17, 2003 CPC~~  
September 16, 2003 CPC

## SUBSTANTIAL ACCORD REVIEW

03PD0224

Wayne Morris

Midlothian Magisterial District  
Eastern Terminus of Grove Park Court

REQUEST: Confirmation of the decision of the Director of Planning that the proposed public facility does not meet the requirements outlined in Part 4 of the County's Substantial Accord Policy.

### PROPOSED LAND USE:

A 150 foot communications tower and associated improvements are planned.

### DIRECTOR'S DETERMINATION

The Director of Planning finds the request not to be in substantial accord with the provisions of the adopted Comprehensive Plan for the following reasons:

- A. The request is not in compliance with the Public Facilities Plan.
- B. The request is not in compliance with the Guidelines for Review of Substantial Accord Determination and/or Zoning Approval for Communications Tower Locations.
- C. While the request property is zoned to permit the tower use, the tower site location and/or surrounding land uses do not mitigate the impact of the tower on existing and future areas of development and on high visibility areas.

### GENERAL INFORMATION

Project Name:

Morris Industries

*Providing a FIRST CHOICE Community Through Excellence in Public Service.*

Location:

Eastern terminus of Grove Park Court. Tax IDs 740-707-Part of 2815 and 5822 (Sheet 6).

Existing Zoning:

C-5 and C-5 with Conditional Use Planned Development

Size:

3.1 acres

Existing Land Use:

Industrial (steel fabrication)

Adjacent Zoning and Land Use:

North and West - C-5 with Conditional Use Planned Development; Commercial, office and industrial

South - C-5; Commercial

East - A; Vacant

UTILITIES

The proposed use will not necessitate a manned facility; therefore, the use of the public water and wastewater systems is not required.

ENVIRONMENTAL

If construction of the tower and associated improvements disturbs more than 2,500 square feet of land, a land disturbance permit will be required.

PUBLIC FACILITIES

Fire Service and Transportation:

The proposed tower and associated equipment will have a minimal impact on fire/rescue services and the transportation network.

COUNTY COMMUNICATIONS

The Zoning Ordinance requires that any structure over eighty (80) feet in height be reviewed by the County's Public Safety Review Team for potential detrimental impacts the structure could have on the County's Radio Communications System microwave paths. This determination must be made prior to erection of the proposed communications tower.

A preliminary review of this tower proposal has indicated that the facility will not interfere with the County's communications system; however, as a further precaution, if this request is approved, conditions should be imposed to ensure that the tower is designed, constructed and maintained so as not to interfere with the Chesterfield County Communications System.

### COUNTY AIRPORT

A preliminary review of this tower proposal has indicated that, given the approximate location and elevation of the proposed installation, it appears the tower will not adversely affect the Chesterfield County Airport.

### LAND USE

#### Comprehensive Plan:

Lies within the boundaries of the Powhite-Route 288 Development Area Plan which suggests the property is appropriate for general commercial use. The Plan provides that properties immediately adjacent to the east and generally to the south are appropriate for residential use of 1.5 units per acre or less.

The Public Facilities Plan, an element of the Comprehensive Plan, suggests that communications towers should be located so as to minimize impacts on existing and future areas of development and to minimize locations adjacent to planned or existing residential development. Further, the Public Facilities Plan provides that communications towers should be located and designed to be compatible with the character of the community.

#### Area Development Trends:

Surrounding properties are zoned General Commercial (C-5), General Commercial (C-5) with Conditional Use Planned Development, and Agricultural and are occupied by commercial, office and industrial uses, or are vacant. It is anticipated that commercial use will continue north, south and west of the request site with residential development to the east as recommended by the Comprehensive Plan.

### CONCLUSIONS

The proposed communications tower in the requested location does not satisfy the criteria of location, character and extent as specified in the Code of Virginia.

Specifically, the request is not in compliance with the Public Facilities Plan. The Plan provides that communications towers should be located so as to minimize impacts on existing and future areas of development and to minimize locations adjacent to planned or existing residential development. Property immediately east of the request site, while currently zoned Agricultural (A), is designated on the Powhite-Route 288 Development Area Plan for residential use. A site further removed from planned residential development would be more appropriate.

The request is not in compliance with the Guidelines for Review of Substantial Accord Determination and/or Zoning Approval for Communications Tower Locations. While the request property is zoned to permit the tower use, the tower site location and/or surrounding land uses do not mitigate the impact of the tower on existing and future areas of development. The “Guidelines” specifically identify agriculturally zoned land designated on the Comprehensive Plan for residential use as an area of concern. As previously noted, property adjacent to the east of the request site is designated for residential use. The “Guidelines” suggest that when towers are proposed in the vicinity of existing or proposed residential development, an intermediate commercial or industrial use and/or an increased setback (500 feet when adjacent to agricultural land identified on the Comprehensive Plan for residential use) may assist in mitigating the impact of the tower and therefore, permit the Director of Planning to make an administrative substantial accord determination. In this case, no intermediate commercial or industrial use exists between the tower site and proposed residential development and no increased setback is provided.

In addition, the proposed tower site is not in compliance with the “Guidelines” because the tower site location and/or surrounding land uses do not mitigate the impact of the tower on high visibility areas, such as along major traffic corridors or near the intersections of major roads. The proposed tower would be highly visible traveling south along Courthouse Road from its intersection with Midlothian Turnpike. Increased setbacks, intermediate commercial or industrial uses and vegetation on existing parcels do not mitigate the impact of the tower from this high visibility area.

Given these considerations, therefore, the Director of Planning does not find the proposal to be in substantial accord with the provisions of the adopted Comprehensive Plan.

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#### CASE HISTORY

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Planning Commission Meeting (6/17/03):

At the applicant’s request, the Commission deferred this case to their September 16, 2003, public hearing.

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Staff (6/18/03):

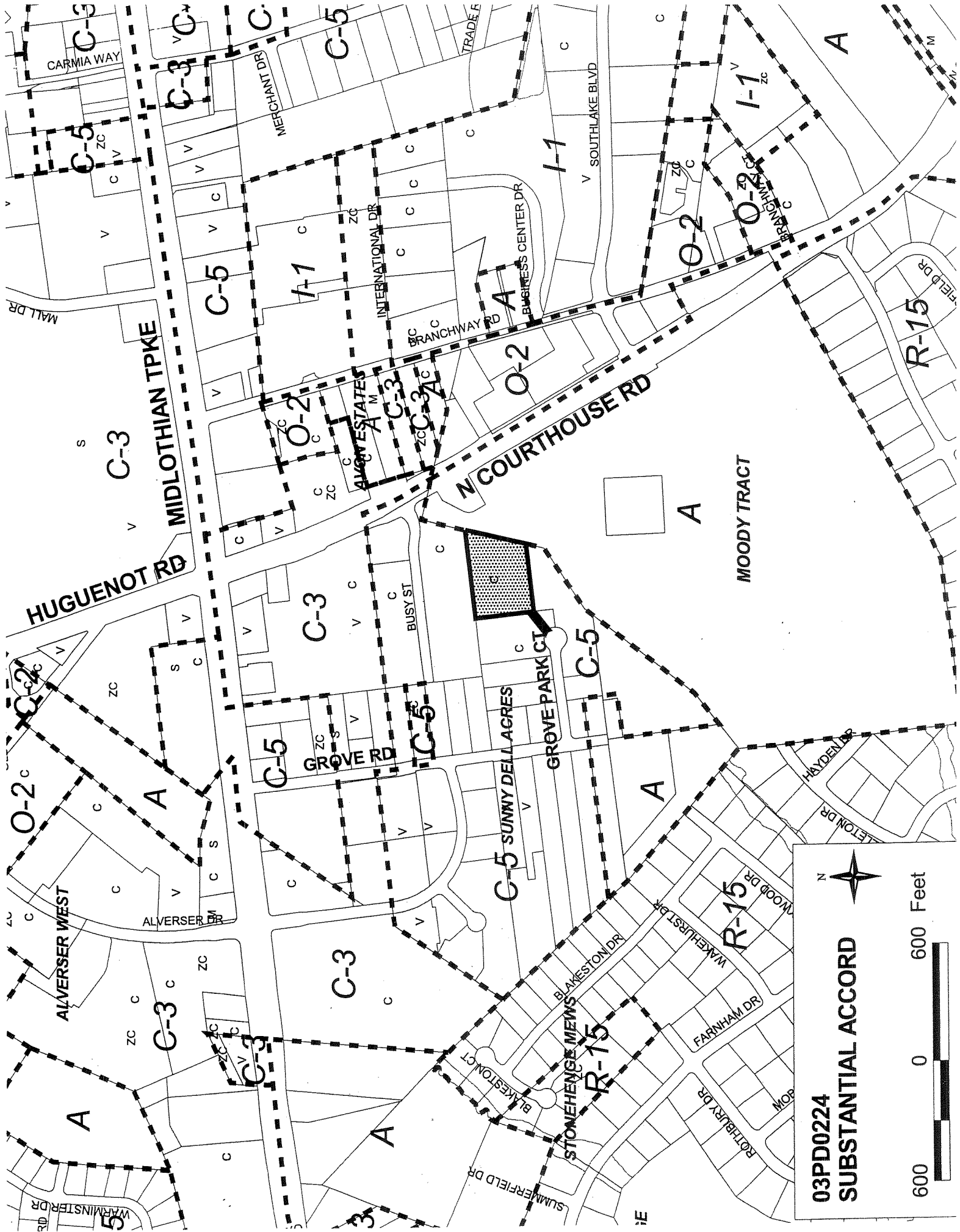
The applicant was advised in writing that any significant new or revised information should be submitted no later than July 1, 2003, for consideration at the Commission’s September 16, 2003, public hearing.

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Staff (8/19/03):

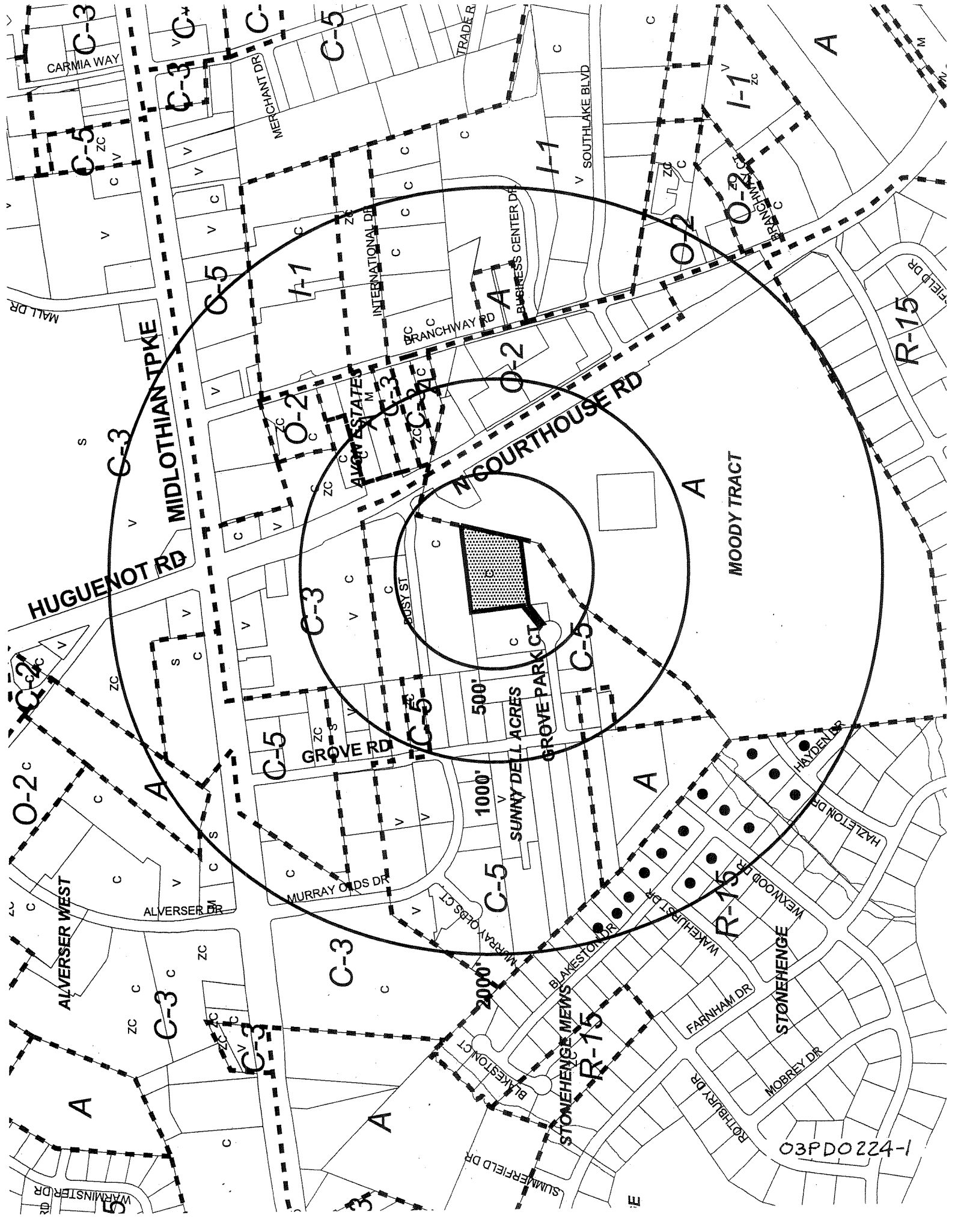
To date, no new or revised information has been submitted.

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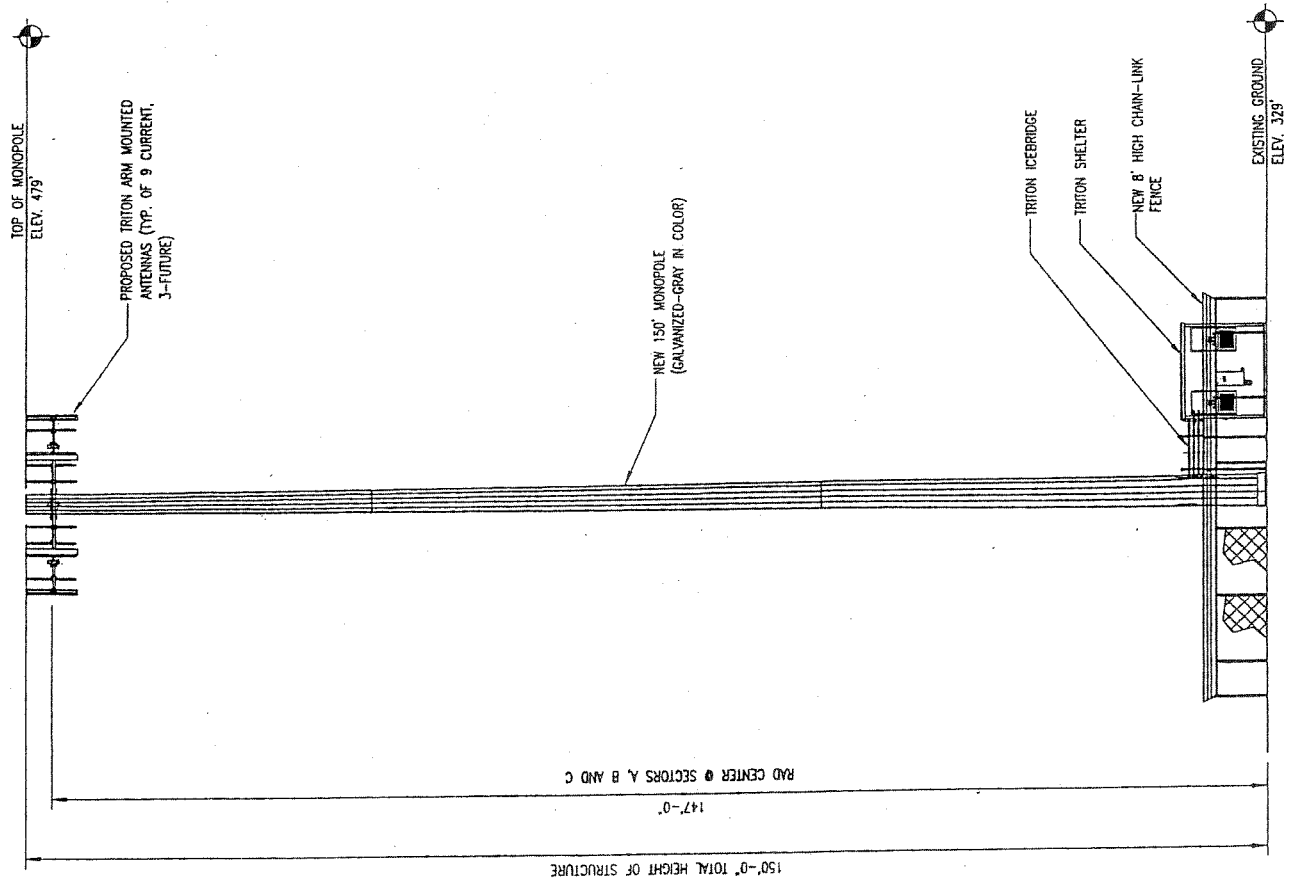












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